

LIMITS ON PRIVATE ENFORCEMENT OF UNFAIR BUSINESS COMPETITION LAWS. INITIATIVE STATUTE.

PROP

64

ARGUMENT Against Proposition 64

Proposition 64 LIMITS THE RIGHTS OF CALIFORNIANS TO ENFORCE ENVIRONMENTAL, PUBLIC HEALTH, PRIVACY, AND CONSUMER PROTECTION LAWS.

The Attorney General's Official Title for the Proposition 64 petition read: "LIMITATIONS on Enforcement of Unfair Business Competition Laws."

Across California headlines warn the public about this special interest initiative. San Francisco Chronicle: "Measure would limit public interest suits"; Ventura County Star: "Consumers lose if initiative succeeds"; Orange County Register: "Consumer lawsuits targeted"; San Francisco Examiner: "Bank of America's shakedown: Unfair-competition law under fire from businesses."

Look who is supporting Proposition 64. Consider why they want to limit California's 71-year-old Unfair Business Competition law.

Chemical companies support Proposition 64. They want to stop environmental organizations from enforcing laws against polluting streams, rivers, lakes, and our coast.

Oil companies support Proposition 64. They want to stop community organizations from suing them for polluting drinking water supplies with cancer-causing MTBE.

Credit card companies support Proposition 64. They want to stop consumer groups from enforcing privacy laws protecting our financial information.

IF A CORPORATION PROFITS FROM INTENTIONALLY POLLUTING OUR AIR AND WATER, OR INVADING OUR PRIVACY, WE SHOULD BE ABLE TO STOP IT.

The Los Angeles Times reports: "The measure would weaken a state law that allows private groups and government prosecutors to sue businesses for polluting the environment and for engaging in misleading advertising and other unfair business practices . . . If voters approve the measure, the current law would be drastically curtailed."

Tobacco companies support Proposition 64. They want to block health organizations from enforcing the laws against selling tobacco to children.

Banks support Proposition 64. They want to stop elderly and disabled people who sued them for confiscating Social Security funds.

Insurance companies and HMOs support Proposition 64. They don't want to be held accountable for fraudulent marketing or denying medically necessary treatment to patients.

Energy companies support Proposition 64. They ripped off California during the "energy crisis" and want to block ratepayers from attacking energy company fraud.

Since 1933, the Unfair Business Competition Laws have protected Californians from pollution, invasions of privacy, and consumer fraud. Here are examples of cases successfully brought under this law:

- Supermarkets had to stop changing the expiration date on old meat and reselling it.
- HMOs had to stop misrepresenting their services to patients.
- Bottled water companies had to stop selling water that hadn't been tested for dangerous levels of bacteria, arsenic, and other chemicals.

The Los Angeles Times editorialized: "(Proposition 64) would make it very difficult for citizens, businesses, and consumer groups to file justified lawsuits."

Proposition 64 is strongly opposed by:

- AARP
- California Nurses Association
- California League of Conservation Voters
- Consumers Union
- Sierra Club California
- Congress of California Seniors
- Center for Environmental Health
- California Advocates for Nursing Home Reform
- Foundation for Taxpayer and Consumer Rights

Please join us in voting NO on Proposition 64. Don't let them limit your right to enforce the laws that protect us all.

ELIZABETH M. IMHOLZ, *Director*

Consumers Union, West Coast Office

SUSAN SMARTT, *Executive Director*

California League of Conservation Voters

DEBORAH BURGER, RN, *President*

California Nurses Association

REBUTTAL to Argument Against Proposition 64

The argument against Proposition 64 is a trial lawyer smokescreen. Read the official title and the law yourself.

- Nowhere is Environment, Public Health, or Privacy mentioned!
- California has dozens of strong laws to protect the environment, public health, and privacy, including Proposition 65, passed by voters in 1986, the California Environmental Quality Act and the California Financial Information Privacy Act.
- Proposition 64 doesn't change any of these laws.
- Proposition 64 would permit ALL the suits cited by its opponents.

"... the trial attorneys who benefit from the current system are going bonkers, and misrepresenting what (Prop. 64) will do. They claim that (Prop. 64) ... will somehow undermine the state's environmental laws. That's patently untrue."

Orange County Register

Here's what 64 really does:

- Stops Abusive Shakedown Lawsuits
- Stops fee-seeking trial lawyers from exploiting a loophole in California law—A LOOPHOLE NO OTHER STATE HAS—that lets them "appoint" themselves Attorney General and file lawsuits on behalf of the People of the State of California.

- Stops trial lawyers from pocketing FEE AND SETTLEMENT MONEY that belongs to the public.
- Protects your right to file suit if you've been harmed.
- Permits only real public officials like the Attorney General or District Attorneys to file lawsuits on behalf of the People of the State of California.

Join 700+ groups, small businesses, and shakedown victims, including:

California Taxpayers Association

California Black Chamber of Commerce

California Mexican American Chamber of Commerce

Vote YES on 64—www.yeson64.org

JOHN KEHOE, *Founding Director*

Senior Action Network

ALLAN ZAREMBERG, *President*

California Chamber of Commerce

CHRISTOPHER M. GEORGE, *Chairman of the Board of Governors*

Small Business Action Committee